



February 28, 2001

SENATE BILL No. 5

DIGEST OF SB 5 (Updated February 27, 2001 11:30 AM - DI 71)

Citations Affected: IC 9-30.

Synopsis: Open alcoholic beverage containers. Makes it a Class B infraction for the operator of a motor vehicle, while the motor vehicle is in operation or while the motor vehicle is located on the right-of-way of a public highway, to allow an alcoholic beverage container that has been opened, that has a broken seal, or from which some of the contents have been removed to be in the passenger compartment of the motor vehicle. Provides certain exceptions.

Effective: July 1, 2001.

Wyss

January 8, 2001, read first time and referred to Committee on Public Policy.
February 27, 2001, amended, reported favorably — Do Pass.

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SB 5—LS 6201/DI 69+



February 28, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 5

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-30-15-3, AS AMENDED BY P.L.1-2000,
2 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]: Sec. 3. (a) **This section does not apply to the**
4 **following:**

5 (1) **The possession of a container by a person who is not the**
6 **operator of a motor vehicle:**

7 (A) **in the passenger area of a motor vehicle designed,**
8 **maintained, or used primarily for the transportation of**
9 **persons for compensation; or**

10 (B) **in the living quarters of a house coach or house trailer.**

11 (2) **A container located in a locked glove compartment.**

12 (3) **A container located:**

13 (A) **behind the last upright seat; or**

14 (B) **in an area not normally occupied by a person;**
15 **in a motor vehicle that is not equipped with a trunk.**

16 (b) The operator of a motor vehicle ~~who has an alcohol~~
17 ~~concentration equivalent to at least four-hundredths (0.04) gram of~~

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1 ~~alcohol per one hundred (100) milliliters of the blood, or per two~~
 2 ~~hundred ten (210) liters of the breath, and~~ who, while the motor vehicle
 3 is in operation ~~knowingly~~ **or while the motor vehicle is located on the**
 4 **right-of-way of a public highway**, allows a container:

5 (1) that has been opened;

6 (2) that has a broken seal; or

7 (3) from which some of the contents have been removed;

8 to be in the passenger compartment of the motor vehicle commits a
 9 Class B infraction. If a person is found to have a previous unrelated
 10 judgment under this section or a previous unrelated conviction or
 11 judgment under IC 9-30-5 within twelve (12) months before a violation
 12 that results in a judgment under this chapter, the court may recommend
 13 the person's driving privileges be suspended for not more than one (1)
 14 year.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 5, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 3, delete "or while the motor vehicle is located on the".

Page 2, line 4, delete "right-of-way of a public highway,".

Page 2, line 4, strike "knowingly".

Page 2, line 4, after "knowingly" insert "**or while the motor vehicle is located on the right-of-way of a public highway,**".

and when so amended that said bill do pass.

(Reference is to SB 5 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 5, Nays 2.

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